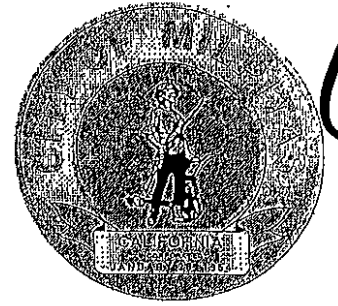


MEMORANDUM

Office of the City Council



To: Honorable Mayor and City Council

From: Armando Gomez, Vice Mayor *[Signature]*
Debbie Giordano, Councilmember

Subject: Council Agenda 3/15/05
Item RA6 - Public Arts Ordinance Funding Recommendations

Date: March 14, 2005

RECOMMENDATION:

Approve the staff recommendations regarding the Public Arts Ordinance and direct the City Attorney to develop a public arts ordinance that is consistent with the staff recommendations, as well as, the following statement of purpose and additional guidelines.

Statement of Purpose

The City of Milpitas accepts responsibility for expanding opportunities for its citizens to experience public art. The City Council finds that public art gives meaning to place by interpreting the social, historical, cultural and natural environment. A strong ordinance designed specifically for Milpitas will ensure a public art program that integrates with our environment and is relevant to our city. Milpitas residents take great pride in the achievements and benefits of our rich cultural community and the time is right to establish a program that will further add meaning to our City through public art projects and community collaboration. An ordinance is hereby established to direct the allocation of 1.5% of certain capital improvement projects toward the acquisition, construction, and installation of public artworks.

Additional Guidelines

Funding:

1. A minimum threshold of \$1 million shall be placed on a CIP project for it to be eligible for the 1.5% formula application.
2. In conjunction with the submission of the annual budget the manager shall annually notify the Public Arts Committee of which projects are deemed eligible construction projects for the 1.5% formula application, as well as, expenditures for the prior year subject to the 1.5% fund. The Public Arts Committee will review expenditures and eligible projects for consistency with the ordinance and provide an annual report to the City Council.
3. Funds dedicated by the City or Redevelopment Agency should be used to leverage additional private funds. The Public Arts Committee shall aggressively seek to acquire additional funding for the Public Arts Program through donations, grants, sponsorships, and all other appropriate fundraising means and opportunities. All additional funding received shall supplement – not supplant – the Public Arts Programs dedicated by the City and Redevelopment Agency. The Public Arts Committee shall prepare a semiannual report to the City Council updating the council on their efforts.

Use of Funds:

4. Funds appropriated as part of any one project, but not deemed necessary or appropriate in total or in part for said site, may be pooled and expended in other areas.
5. It is the City Council's intent to limit the financial impact of the Public Arts Program on the General Fund and other funds. Monies appropriated under this ordinance may be used for hiring artists to develop and design concepts and for the selection, acquisition, purchase, commissioning, placement, installation, exhibition and/or display of artworks. Monies appropriated may also be used for the following: administrative costs associated with the public arts program, transportation of artwork, preparation of sites for artwork, permit or certificate fees, business and legal costs directly associated with the project, master planning, installation and maintenance of artwork. Administrative costs may include staff time, direct costs and administrative overhead.
6. Monies appropriated under this ordinance may not be used for the following:
 - Art objects which are mass produced of standard design such as playground equipment or fountains.
 - Reproduction of original works of art.
 - Decorative or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose.
 - Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist.
7. Contracts related to the public art program shall be submitted to the City Council and/or Redevelopment Agency for approval.

Implementation:

8. The City and the Milpitas Redevelopment Agency shall establish a Public Arts Committee. The Committee will be composed of the membership Milpitas Arts Commission and 4 members of the Milpitas Alliance for the Arts or its successor non-profit organization.
9. The Public Arts Committee's primary role shall be advisory to the City Council and the Redevelopment Agency. The Committee's primary task will be to review and recommend the selection and placement of Public Artworks.
10. The City and Redevelopment Agency shall jointly develop with the input of the public and the review, advice and recommendation of the Public Arts Committee -- A Public Arts Master Plan.
11. The Public Arts Program Master Plan will at minimum:
 - Survey opportunities throughout Milpitas for sites for Public Artwork placement
 - Provide advice as to the potential priority for Public Artwork installation
 - Advise as to potential Public Artworks aesthetics themes.
 - Advise as to the appropriate cataloging and maintenance of Public Artworks.
12. The Public Arts Committee will also adopt program guidelines, policies and procedures to ensure consistent administration of the Public Art Program.